

JS 44C/SDNY  
REV. 4/2014

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

Abigail Strubel, individually and on behalf of all others similarly situated

## DEFENDANTS

Capital One Bank (USA), N.A.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
 Bromberg Law Office, P.C., 26 Broadway, 21st Floor, New York, NY 10004;  
 Tel: 212-248-7906; Law Office of Harley J. Schnall, 711 West End Ave,  
 New York, NY 10025; Tel: 212-678-6546

## ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
 (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Violations of the Truth in Lending Act, 15 U.S.C. sec. 1640, et seq.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously AssignedIf yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

Is this an international arbitration case?

No  Yes 

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	[ ] 625 DRUG RELATED SEIZURE OF PROPERTY	[ ] 422 APPEAL 28 USC 158	[ ] 375 FALSE CLAIMS	[ ] 400 STATE REAPPORTIONMENT
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 365 PERSONAL INJURY	[ ] 21 USC 881	[ ] 423 WITHDRAWAL 28 USC 157	[ ] 410 ANTITRUST	[ ] 430 BANKS & BANKING
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[ ] 690 OTHER	[ ] 450 COMMERCE	[ ] 460 DEPORTATION	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 820 COPYRIGHTS	[ ] 480 CONSUMER CREDIT	[ ] 490 CABLE/SATELLITE TV
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE LIABILITY	[ ] 370 OTHER FRAUD	[ ] 720 LABOR/MGMT RELATIONS	[ ] 830 PATENT	[ ] 850 SECURITIES/COMMODITIES/EXCHANGE	
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 371 TRUTH IN LENDING	[ ] 740 RAILWAY LABOR ACT	[ ] 840 TRADEMARK	[ ] 860 OTHER STATUTORY ACTIONS	
[ ] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	[ ] 350 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[ ] 861 HIA (1395ff)	[ ] 890 AGRICULTURAL ACTS	
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 385 PROPERTY DAMAGE	[ ] 760 OSH ACT	[ ] 862 BLACK LUNG (923)	[ ] 891 ARBITRATION	
[ ] 160 STOCKHOLDERS SUITS	[ ] 360 OTHER PERSONAL INJURY	[ ] 395 PROPERTY DAMAGE	[ ] 770 COOLING OFF ACT	[ ] 863 DIWC/DIWVW (406(g))	[ ] 893 ENVIRONMENTAL MATTERS	
[ ] 180 OTHER CONTRACT	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 405 PROPERTY DAMAGE	[ ] 780 OTHER LABOR LITIGATION	[ ] 864 SSID TITLE XVI	[ ] 895 FREEDOM OF INFORMATION ACT	
[ ] 195 CONTRACT PRODUCT LIABILITY		[ ] 410 MOTIONS TO VACATE SENTENCE	[ ] 790 EMPL. RET. INC SECURITY ACT	[ ] 865 RSI (405(g))	[ ] 896 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
[ ] 196 FRANCHISE	ACTIONS UNDER STATUTES	28 USC 2255	[ ] 791 26 USC 7609	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	[ ] 900 CONSTITUTIONALITY OF STATE STATUTES	
	CIVIL RIGHTS	[ ] 630 HABEAS CORPUS	[ ] 792 IRS-THIRD PARTY	[ ] 871 26 USC 7609		
		[ ] 535 DEATH PENALTY	[ ] 793 26 USC 7609			
		[ ] 540 MANDAMUS & OTHER	[ ] 794 26 USC 7609			
REAL PROPERTY						
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING					
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT					
[ ] 230 RENT LEASE & EJECTMENT	[ ] 443 HOUSING/ACCOMMODATIONS	PARTICIPANT CIVIL RIGHTS				
[ ] 240 TORTS TO LAND	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 550 CIVIL RIGHTS	[ ] 462 NATURALIZATION APPLICATION			
[ ] 245 TORT PRODUCT LIABILITY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 555 PRISON CONDITION	[ ] 465 OTHER IMMIGRATION ACTIONS			
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 448 EDUCATION	[ ] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT				

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ OTHER

JUDGE DOCKET NUMBER

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- |   |   |  |   |  |   |  |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding   | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment |
| <input checked="" type="checkbox"/> a. all parties represented<br><input type="checkbox"/> b. At least one party is pro se. |   |  |   |  |   |  |

(PLACE AN X IN ONE BOX ONLY)

- |   |   |   |                                      |
|---|---|---|--------------------------------------|
| <input type="checkbox"/> 1 U.S. PLAINTIFF | <input type="checkbox"/> 2 U.S. DEFENDANT | <input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY) | <input type="checkbox"/> 4 DIVERSITY |
|---|---|---|--------------------------------------|

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

49 West 85th Street  
 New York, NY 10024  
 New York County

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Capital One Bank (USA), N.A.  
 1680 Capital One Drive  
 McLean, VA 22102  
 Fairfax County

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN  
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 7/31/2014 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO  
 YES (DATE ADMITTED Mo. 5 Yr. 92)  
 Attorney Bar Code # BB6264

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)